



Senior Water Rights Coalition
PO Box 7325
Helena, MT 59604
(406) 439-2215

To: Water Policy Interim Committee

From: Krista Lee Evans, Senior Water Rights Coalition

RE: Future of the Water Court Study

Date: September 2, 2020

The Senior Water Rights Coalition is a coalition of senior water right holders including irrigators, stock water users, and hydropower facilities. The Senior Water Rights Coalition works to protect the property rights of senior water right holders in Montana.

SrWRC appreciates the opportunity to provide public comment on the draft WPIC study addressing the Future of the Montana Water Court.

The “Future of the Water Court” is not a new issue to WPIC or to the Legislature. The hurdle that continues to emerge in these discussions is the interrelationship and appropriate separation of responsibilities between the Water Court, DNRC, and the District Court in the Water Use Act. A piecemeal approach of analyzing or changing the role or jurisdiction of one piece of the Water Use Act without substantive consideration to the other parties may not be conducive to a post adjudication process that is efficient and effective.

The priority for the Water Court must remain completion of the statewide adjudication in a timely and accurate manner. We also recognize that the discussions and ultimately decisions regarding the post-adjudication role of the Water Court, District Court, and DNRC need to be determined far enough in advance to facilitate implementation prior to completion of the adjudication.

SrWRC urges WPIC to move forward with a comprehensive analysis of future roles within the Water Use Act. It is critical that the legislature hear from impacted parties on this issue. A comprehensive analysis should be conducted by an independent third party in a manner that would encourage impacted parties to express their opinions and concerns.

We are committed to continuing to work on this important issue and the process that will guide the determination of the future role the Water Court, District Courts, and DNRC will perform under the Water Use Act.